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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/832,826	04/12/2001	Kaoru Uchida	Q64083	1952
7590	07/21/2006			EXAMINER WEBB, JAMISUE A
SUGHRUE, MION, ZINN, MACPEAK & SEAS 2100 Pennsylvania Avenue, N.W. Washington, DC 20037			ART UNIT 3629	PAPER NUMBER

DATE MAILED: 07/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/832,826	UCHIDA, KAORU
	Examiner Jamisue A. Webb	Art Unit 3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 28 April 2006.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-4,9-16,18-21,27-30,32,34,44 and 47-52 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-4,9-16,18-21,27-30,32,34,44 and 47-52 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date: _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>20010412</u> <u>20040430</u> | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement filed 4/12/01 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered. The examiner has reviewed the brief descriptions of the foreign patents, as submitted by the applicant. However, for Document 63-13226 and 4-33065, there was not a brief description/translation submitted, therefore, these references have not been considered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later

invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-4, 14-16, 18-21, 32, 34, 44 and 47-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over VanTill et al. (6,404,337) in view of Danielson et al. (US 2003/0081860).

5. With respect to Claims 1-4, 14-16 and 47-52: VanTill discloses a method to verify the recipient of a delivered article and a method to delivery an article to a recipient, comprising the steps:

- a. Extracting a first set of data submitted by a person who is to receive the delivered article at the time of ordering (Column 5, lines 5-9 and Column 9, lines 25-28);
- b. Transmitting the first set of data to an electronic commerce server (Column 5, lines 13-15);
- c. Storing the first set of data in the electronic commerce server (Column 4, lines 17-32);
- d. Transmitting the first set of data to the portable terminal (Column 10, lines 12-47, Step 86 and Figure 9 with corresponding detailed description) at the place of delivery (Column 5, lines 25-31);
- e. Storing the first set of data at the portable terminal (Column 4, lines 17-32);
- f. Extract a second set of data at the portable terminal from recipient at the time of delivery (Column 4, lines 32-45 and Column 10, lines 1-11);

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- g. Matching the first set of data and the second set of data to determine whether the delivered article is delivered to the person who is to receive the delivered article (Column 5, lines 19-31 and Column 10, lines 54-64);
6. VanTill discloses matching data for the delivery of articles such as signatures and tracking numbers, however fails to disclose the first and second set of data is biometric information that is matched and displayed. Danielson discloses the use of a data capturing apparatus for verifying a recipient is the intended recipient where the first and second set of data is biometric data (See abstract, Paragraphs 0070-0071). And discloses the matched result is displayed (See Figure 18). It would have been obvious to one having ordinary skill in the art at the time the invention was made, to have the data information of Danielson, be biometric information, as disclosed by Danielson, in order to increase the accuracy and efficiency of product distribution, and to verify the intended recipient is the actual intended recipient. (See Danielson, Pages 1 and 2). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify VanTill, to display the matched result, as disclosed by Danielson, in order to keep the operator informed of the matching condition and for the operator to be able to confirm the matching condition (see Danielson, Page 6).
7. With respect to Claims 18-21: VanTill discloses the data is inputted at the time when the article was delivered and is stored as verified information for the person who received the article (See Column 5, lines 19-31 and Column 10, lines 54-64).
8. With respect to Claims 32 and 44: Van Till discloses the use of a system (computer program operating the system), to deliver an article to a recipient, in which plural ordering

terminals, an EC server, and plural person verifying terminals, are connected through a network, (See Figures 1, 9 and 11, Van Till discloses the system to be used for multiple carriers and multiple carriers in Column 1, lines 48-62, therefore the system would have multiple ordering terminals as well as multiple verifying terminals, since they are specific to the customers)

wherein:

- a. the plural ordering terminals (Figure 9, Place order using handheld device or computer), comprise:
  - i. an order information inputting section to which a person who makes an order for an article inputs order information (Column 4, lines 47-52 and Column 8, lines 36-62);
  - ii. an ordering side feature extracting section for extracting the data of the person who the order (Column 5, lines 5-9, and Column 9, lines 25-28, Van Till discloses the customer inputting the signature for verification, which the system turns to a digital signature, which the examiner considers to be biometric data); and
  - iii. a transmitting and receiving section that transmits data extracted at said ordering side feature extracting section and said order information inputted from said order information inputting section to said EC server through said network (Column 5, lines 13-15),
- b. the EC server, comprising:
  - iv. a transmitting destination deciding section that transmits the data transmitted from the ordering terminal to a person verifying terminal

corresponding to said destination in said order information transmitted from said ordering terminal through said network (Column 10, lines 12-41, Step 86 and Figure 9), and

c. the person verifying terminal, comprising:

v. a verifying side feature extracting section for extracting the data of a person who is to receive delivered said article when said article is delivered (Column 4, lines 32-45);

vi. a feature matching section for matching said biometrics data extracted at said verifying side feature extracting section with said data transmitted from said EC server, and for showing the matched result of said two biometrics data to an article delivering person (Column 5, lines 19-31 and Column 10, lines 54-64).

2. VanTill discloses matching data for the delivery of articles such as signatures and tracking numbers, however fails to disclose the first and second set of data is biometric information. Danielson discloses the use of a data capturing apparatus for verifying a recipient is the intended recipient where the first and second set of data is biometric data (See abstract, Paragraphs 0070-0071). It would have been obvious to one having ordinary skill in the art at the time the invention was made, to have the data information of Danielson, be biometric information, as disclosed by Danielson, in order to increase the accuracy and efficiency of product distribution, and to verify the intended recipient is the actual intended recipient. (See Danielson, Pages 1 and 2).

3. With respect to Claim 34: Van Till discloses that once the signatures are matched, the tracking information (which includes order information as well as delivery information, therefore

the examiner considers to be the pair verified information) to the central operations computer as well as the merchant (Column 6, lines 11-27 and 36-44, and Column 10, line 65 to Column 11, line 6).

4. Claims 9-13 and 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over VanTill and Danielson as applied to claims 1-4, 14-16 above, and further in view of Berson (6,802,005).

5. With respect to Claims 9-13 and 27-30: VanTill and Danielson discloses the use of biometric data, such as signatures, being used for verification of delivery, but fails to disclose the use of the biometric data being a fingerprint. Berson discloses the use of a thumbprint scanner, which is used to collect biometric data for verification purposes (See abstract, Figures 1 and 3 with corresponding detailed description, Column 2, lines 55-60). It would have been obvious to one having ordinary skill in the art at the time the invention was made, to modify VanTill and Danielson, to have the biometric data (signature) be a fingerprint, as disclosed by Uchida in order to prevent identity fraud of a person, and to make sure the person is who they say they are (See Berson, Columns 2, 4 and 5).

*Response to Amendment*

9. The affidavit under 37 CFR 1.132 filed 4/28/06 is insufficient to overcome the rejection of claims 9-12 and 27-30 based upon the reference Uchida 6,751,734 as set forth in the last Office action because: The applicant has not fulfilled the requirement as set forth in the MPEP

706.02(I) and provided sufficient proof that the reference and the instant application were commonly owned at the time of filing. The applicant has stated that it is his own work, however has not stated that the work was commonly owned under an obligation of assignment at the time of filing. See MPEP 706.02(I).

*Response to Arguments*

6. Applicant's arguments with respect to claims 1-4, 9-16, 18-21, 27-30, 32, 34 and 44 have been considered but are moot in view of the new ground(s) of rejection.

*Conclusion*

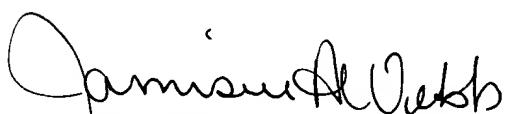
7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamisue A. Webb whose telephone number is (571) 272-6811. The examiner can normally be reached on M-F (7:30 - 4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Jamisue Webb



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PRIMARY EXAMINER